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# **The effect of public attitudes towards the EU on European Commission policy activity**

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## **Abstract**

This study tests the relationship between public attitudes regarding the European Union and unilateral adoption of legal acts by the European Commission (i.e. directives and regulations). Relying on theories of policy responsiveness, as well as legislative gridlock, we present two hypotheses with competing expectations regarding the effect of public attitudes towards the EU on policy-making activity in the European Commission. The first hypothesis suggests that the Commission will unilaterally adopt more legal acts when public support for the EU is greater, while the second hypothesis suggests that the Commission will unilaterally adopt fewer legal acts when public support for the EU is greater. Using time series error correction models and data from Eurobarometer surveys from 1974-2008, and the EU's online legislative archive (EUR-Lex), these hypotheses are tested. The results support the second hypothesis, suggesting that the European Commission will increase unilateral legal act adoption when public attitudes are more negative towards the EU, while decreasing unilateral legal act adoption when the public is more Europhilic. These findings indicate a possibility of responsibility trading between the institutions of the EU and have important implications for our understandings of European policy processes, political responsiveness, and democratic governance in the EU.

**Keywords:** Euroscepticism, European Commission, representation, democratic deficit, responsiveness.

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The responsiveness of the European Union (EU) to the public remains a contentious issue among European leaders, the media, the public, and academics alike. The popular understanding of Europe as a government that suffers from a “democratic deficit” has served to fuel public Euroscepticism, as well as a rise in anti-EU political parties, and has certainly played a role in creating conditions which led to the current “Brexit” crisis in the United Kingdom.

At the same time, recent research has suggested that there is a clear interplay between aggregate public attitudes towards the EU, and policy-making activity in the European Parliament and the Council of Ministers (Bølstad, 2015; Toshkov, 2011; Franklin and Wlezien, 1997). This study builds on this existing literature and seeks to develop an original understanding of the relationship between public opinion concerning the EU and policy-making activity in the European Commission. Specifically, we ask, do public attitudes regarding the EU affect the unilateral adoption of European Commission legal acts?

Understanding the connection between public attitudes towards the EU and the adoption of European Commission legal acts (directives, regulations, and decision; although this study is only concerned with directives and regulations) is particularly important as these acts greatly affect EU policy. Commission legal acts, in the form of implementing acts, determine how member states put EU policies into action. Additionally, Commission legal acts, in the form of delegated acts, can actually alter EU policies without further consulting the Council of Ministers or European Parliament. Both implementing acts and delegated acts have significant effects upon how EU policies are integrated into European and member state law, as well as the substance of European policies. Therefore, developing a clearer knowledge of how public opinion regarding the EU

influences policy-making in the European Commission has important implications for the study of European policy processes.

Further, understanding how public attitudes towards the EU are related to policy-making activity in the European Commission has important implications for the study of policy responsiveness, political representation, and democracy in Europe. Democracy is predicated on the assumption that the provisions of public policy are related to the wishes of the citizens, and that policy changes are linked to the changing opinions of citizens (Dahl, 1971; Pitkin, 1967; Powell, 2000). If the Commission directly responds to public attitudes regarding European integration when creating policy, this indicates that at least one of the EU institutions is responsive to the public on issues concerning European policy and integration. This would further imply that the European democratic deficit may not be as pronounced as previously believed (for more on the democratic deficit, see Føllesdal and Hix, 2006).<sup>i</sup>

Despite the importance of understanding how public attitudes are related to EU policy processes generally, and unilateral European Commission policy activity specifically, there is a scarcity of literature that systematically explores this relationship. Franklin and Wlezien (1997) first attempted to examine the interaction between policy output in the EU and public attitudes towards the EU. They contended, following the thermostatic theory of representation (see Wlezien, 1995, 2004), that public attitudes towards the EU are responsive to the level of policy created by the EU. In testing this relationship, Franklin and Wlezien (1997) showed that policy output is negatively related to support for unification, both when the salience of European unification is and is not interacted with policy output. Simply put, they found that as more European policies are adopted,

support for unification decreases, and, as fewer European policies are adopted, support for unification increases.

Toshkov (2011) extended Franklin and Wlezien's (1997) study, examining both how policy output, measured as non-Commission directives, affects public opinion concerning the EU, as well as how public attitudes towards the EU affect the number of non-Commission directives adopted by the EU. He found that public support for the EU affects the overall number of directives adopted by the Council of Ministers and European Parliament, and that changes in policy output are particularly noticeable about one year after public support changes. However, no statistically significant effect of policy outputs on public support for the EU was found.

More recently, Bølstad (2015) examined the effect of both public opinion concerning the EU in the six original member states ("Core" countries), as well as the three member states that joined the EU in 1973 ("Periphery" countries) on European policy output. Bølstad (2015: 15) found that public attitudes towards the EU influence integration, with greater positivity towards the EU in both the "Core" countries and "Periphery" countries leading to the passage of more non-Commission directives.

Additionally, recent research has examined how public attitudes towards the EU influence member state responses to European public policy (Williams, 2018, 2016). This research finds that higher levels of public opposition to the EU in a member state lead state governments to both delay directive transposition (Williams, 2018), and issue more reasoned opinions through the "Early Warning System" (Williams, 2016).

While inconclusive regarding the effect of policy output on public opinion, the above research suggests that public attitudes towards the EU influence the adoption of policy in the Council of Ministers and the European Parliament, as well as influencing member state engagement with European policy processes.

More specifically to the European Commission, recent research has begun examining policy responsiveness to public attitudes regarding the EU in this institution. For example, Häge and Toshkov (2011), and Crombez and Hix (2016) have included public support for the EU as a control variable when studying the initiation of EU policies.<sup>ii</sup> Further, Rauh (2016) has studied how politicization of the EU has influenced the policy choices made in the Commission, with a focus on the policy area of consumer protection. While this work is certainly an important first step in understanding how public attitudes influence Commission policy-making activity, it does not fully address this relationship. Therefore, this study attempts to examine more deeply the possible connection between public attitudes towards the EU and policy-making activity in the European Commission, specifically, the unilateral adoption of Commission legal acts.

By using Eurobarometer public opinion survey data, as well as data concerning the unilateral adoption of Commission legal acts between 1974 and 2008, the results of this study suggest high levels of support for the EU lead to *decreased* unilateral legal act adoption in the Commission, while high levels of neutrality towards the EU are associated with *increased* unilateral legal act adoption.

### **Public attitudes' influence on policy**

A myriad of studies has examined policy responsiveness to public opinion (e.g. Bevan and Jennings, 2014; Bølstad, 2015; Erikson et al., 2002; Glazier and Boydston, 2012; Page and Shapiro, 1983; Soroka and Wlezien, 2004; Stimson et al., 1995; Williams, 2018, 2016; Wlezien, 1995, 2004), finding that governments tend to respond to the public regarding policy (see e.g. Stimson et al., 1995; Soroka and Wlezien, 2004, 2010; Wlezien, 1995, 2004). The overarching theoretical theme within most of the policy responsiveness literature rests on the idea that the public controls governments and parties through the threat of electoral retribution and/or the promise of electoral victory (see Erikson et al., 1993; Ferejohn, 1986; Hobolt and Klemmensen, 2008; Stimson et al., 1995). Simply put, policy-makers wish to win re-election, and therefore, respond to the public's policy concerns.

In terms of public attitudes towards the EU, research has extended the literature on policy responsiveness (see Bølstad, 2015; Franklin and Wlezien, 1997; Toshkov, 2011; Williams, 2016, 2018), suggesting that higher levels of public support for the EU (aggregate public Europhilia) indicate a general public attitude for greater integration, and lower levels of public support for the EU indicate a general public attitude for less integration (see Bølstad, 2015; Franklin and Wlezien, 1997; Toshkov, 2011; Williams, 2016). In fact, Franklin and Wlezien (1997) show that, beginning in the 1970s, measures of public support for or opposition to the EU behave similarly to measures of preferred policy levels in other policy domains.

Moreover, increasing European-level policy-making is understood in the literature as increasing European integration (see Bølstad, 2015; Franklin and Wlezien, 1997; Williams, 2016). Therefore,

the application of the above theories of policymaker responsiveness to public policy preferences would lead to the expectation that EU institutions will produce more policy when public support for the EU is higher, and produce less policy when public support for the EU is lower, as public support for the EU is understood as a public desire for more integration, and more policy-making is understood as increasing integration. In fact, this is the finding of Toshkov (2011) and Bølstad (2015) regarding the relationship between public attitudes towards the EU and policy-making in the European Parliament and the Council of Ministers.

Applying this logic to the Commission, however, becomes more complicated. Unlike the Parliament and Council of Ministers, which are directly and indirectly elected, respectively (see Moravcsik, 2002), the Commission is unelected. Thus, a desire for re-election cannot causally drive Commission responsiveness to public attitudes. This does not necessarily imply, however, that Commission policy activity will be unrelated to public attitudes regarding the EU.

Substantial literature suggests, theoretically and empirically, that unelected bodies do respond to public attitudes (see Bevan, 2015; Bølstad, 2015; Casillas et al., 2011; Rauh, 2016; Toshkov, 2011). Most notable among this research is that concerning the United States Supreme Court (see Casillas et al., 2011; Giles et al., 2008; Hall, 2013; McGuire and Stimson, 2004; Mishler and Sheehan, 1993, 1996; Norpoth and Segal, 1994), which, like the European Commission, is also unelected.

The majority of this literature has found a connection between public opinion and Court decision-making. Recent research (see Casillas et al., 2011; Hall, 2013; McGuire and Stimson, 2004), has



suggested that this relationship exists because the Court wishes to maintain legitimacy and avoid non-implementation of decisions (Casillas et al., 2011; Giles et al., 2008; Hall, 2013; McGuire and Stimson, 2004). As McGuire and Stimson (2004: 1019) wrote:

...a Court that cares about its perceived legitimacy must rationally anticipate whether its preferred outcomes will be respected and faithfully followed by relevant publics. Consequently, a Court that strays too far from the broad boundaries imposed by public mood risks having its decisions rejected...In the aggregate...popular opinion should still shape the broad contours of judicial policymaking.

In addition to work on the United States Supreme Court, the literature regarding bureaucratic behavior follows a similar theoretical perspective. This research has suggested that bureaucratic decisions derive, in part, from a desire to maintain legitimacy, and ensure that its decisions are sustainable (see Bevan, 2015; also see Tsebelis, 1995; Wilson, 1989). If bureaucrats wish to maintain legitimacy and produce sustainable decisions, it follows that they would want elected officials and the public to accept those decisions.

The desire to maintain legitimacy and the accompanying fear of non-implementation can be applied to understanding policy responsiveness in the European Commission. Like other unelected bodies, the Commission should be concerned with maintaining legitimacy for fear of having its authority rejected by member states and other institutions (see Bølstad, 2015), which may, in turn, refuse to implement and/or enforce European policy. As a large number of European policies, and often important policies (see Bølstad, 2015; Toshkov, 2011), come in the form of directives, which must be implemented by member states, the fear of losing legitimacy and the subsequent non-implementation of policies is a significant threat to Commission power. This theoretical understanding is further supported by research indicating that EU member states do, in fact, resist

EU power by delaying directive transposition when aggregate public Euroscepticism is greater (Williams, 2018). Moreover, this understanding is similar to the theoretical argument put forth by Rauh (2016), who found that the Commission, in a desire to avoid undermining public support for integration, alters consumer protection policy choices based on the level of attention European policy-making receives from the public.

Based on the above theory, if the Commission is concerned with maintaining legitimacy and avoiding non-implementation of its policies, it should react to changing levels of aggregate public attitudes towards the EU. Increases in aggregate public support signal to EU policy-makers, including Commissioners, that the citizenry wants more European integration (see Toshkov, 2011). Seeking to maintain its legitimacy, the Commission should increase its policy-making activity, including increasing the number of legal acts unilaterally adopted when support for the EU is high. At the same time, if aggregate public support for the EU decreases, this signals a public attitude for less European integration, resulting in a decrease in Commission policy-making activity; that is a decrease in the number of legal acts unilaterally adopted by the Commission.

*H1:* The European Commission increases unilateral adoptions of legal acts when aggregate public support increases.

Of course, if the assumption that the Commission is concerned with maintaining institutional legitimacy is relaxed, conventional policy responsiveness in the Commission (i.e. more support for the EU leading to more unilateral legal act adoptions) is no longer expected.

As the Commission is an unelected body, it is relatively insulated from public punishment. Conversely, the Parliament is directly elected, and the Council of Ministers is indirectly elected (see Moravcsik, 2002), meaning that both institutions can be more easily punished by the public than can the unelected Commission (e.g. Erikson et al., 1993; Ferejohn, 1986; Hobolt and Klemmensen, 2008; Stimson et al., 1995;). As expected, research has shown that the Parliament and Council do respond to the public, increasing policy outputs when support for the EU is higher and decreasing policy outputs when support for the EU is lower (Bølstad, 2015; Toshkov, 2011).

It is possible that responsibility trading among policy-making institutions is occurring in the EU, mimicking the pattern of venue-shopping that occurs between levels of government in the EU (e.g. Guiraudon, 2000; Princen, 2007). That is, when support for the EU is lower, the Parliament and Council reduce their legislative output (see Bølstad, 2015; Toshkov, 2011) creating policy gridlock (see Bond and Fleisher, 1990; Rudalevige, 2002 for more on policy gridlock). Research suggests that in the face of policy gridlock, executive actors use unilateral action to overcome the legislative impasse (Belco and Rottinghaus, 2014; Deering and Maltzman, 1999; Fine and Warber, 2012; Peake et al., 2012).

In applying this understanding to the EU, we expect that the Commission (the executive branch of the EU) will continue initiating and sending policy proposals to the European Parliament and Council of Ministers for legislative consideration. However, the policy gridlock caused by a lack of legislative action leads to the Commission filling the policy-making vacuum by unilaterally adopting more legal acts outside of legislative channels.

Following this same logic, when support for the EU is high, the directly and indirectly elected bodies of the Parliament and Council will adopt more and/or further reaching legislative policy. With less policy gridlock, the Commission has less need to unilaterally adopt legal acts, as the work of governing the EU is conducted by the elected bodies.<sup>iii</sup> Thus, when support for the EU is high, we should expect the Commission to initiate more legislative acts but adopt fewer legal acts unilaterally.

This suggests that the institutional structure of the EU may allow for the more publicly accountable institutions (i.e. the Parliament and Council) to respond to public attitudes regarding the EU in the conventionally expected way; by decreasing legislative policy output when the EU is unpopular and increasing legislative policy output when the EU is popular. However, when the more accountable institutions reduce policy output, the Commission, which is less publicly accountable, attempts to overcome the policy gridlock created by Parliamentary and Council inaction by increasing unilateral legal act adoptions. When the more accountable institutions increase their legislative policy output, the Commission reduces the unilateral adoption of legal acts accordingly.

*H2: The European Commission decreases adoptions of legal acts when aggregate public support increases.*

## **Research design**

In this section, we first explicate the operationalization of the variables used in this study, which covers the time period of 1974, the start of the Eurobarometer, to 2008, the start of the Euro Crisis. The data sources are then discussed in detail. Finally, we focus on the methodological approach used in testing the above hypothesis.

Our dependent variable is the number of legal acts unilaterally adopted by the European Commission. Our data is matched to the half-year periodization of the Eurobarometer, (i.e. a Eurobarometer half-year). The number of legal acts unilaterally adopted by the Commission can be operationalized in multiple ways. There are three types of legal acts available to the Commission; directives, regulations, and decisions. Directives can be best understood as policy mandates in which member states are required to implement measures within their own legal systems that result in desired policy outcomes; a procedure known as transposition. Regulations differ from directives in that they carry the weight of law immediately (transposition is not necessary). Decisions require an entity within the jurisdiction of the EU to undertake, or refrain from some sort of action. Alternatively, a decision can provide a right, privilege, or obligation to an entity within the jurisdiction of the EU.

Decisions differ substantially from directives and regulations in that they can be directed at one specific member state, a subset of member states, a business, or even an individual. Due to the unique nature and relatively narrow scope of decisions, it seems unlikely that EU-wide public opinion would influence decision adoption. Therefore, decisions are considered a poor operationalization of unilateral Commission legal act adoption and not examined in this study.

Directives and regulations, however, are important legal measures which can raise controversies in EU member states (see König, 2008). They both can set policy that has a wide reach and broad scope, often affecting all people living within the EU, and, in some cases, those living outside of the EU. Due to the importance of both directives and regulations for setting European policy, our

measure of unilateral Commission legal act adoption is operationalized as the number of directives plus the number of regulations unilaterally adopted by the Commission in a specific Eurobarometer half-year.<sup>iv</sup> This measure includes any directive or regulation that is adopted by the Commission without further need for approval from the Council and/or Parliament (For descriptive statistics regarding all variables used in this study, please see the Online appendix).

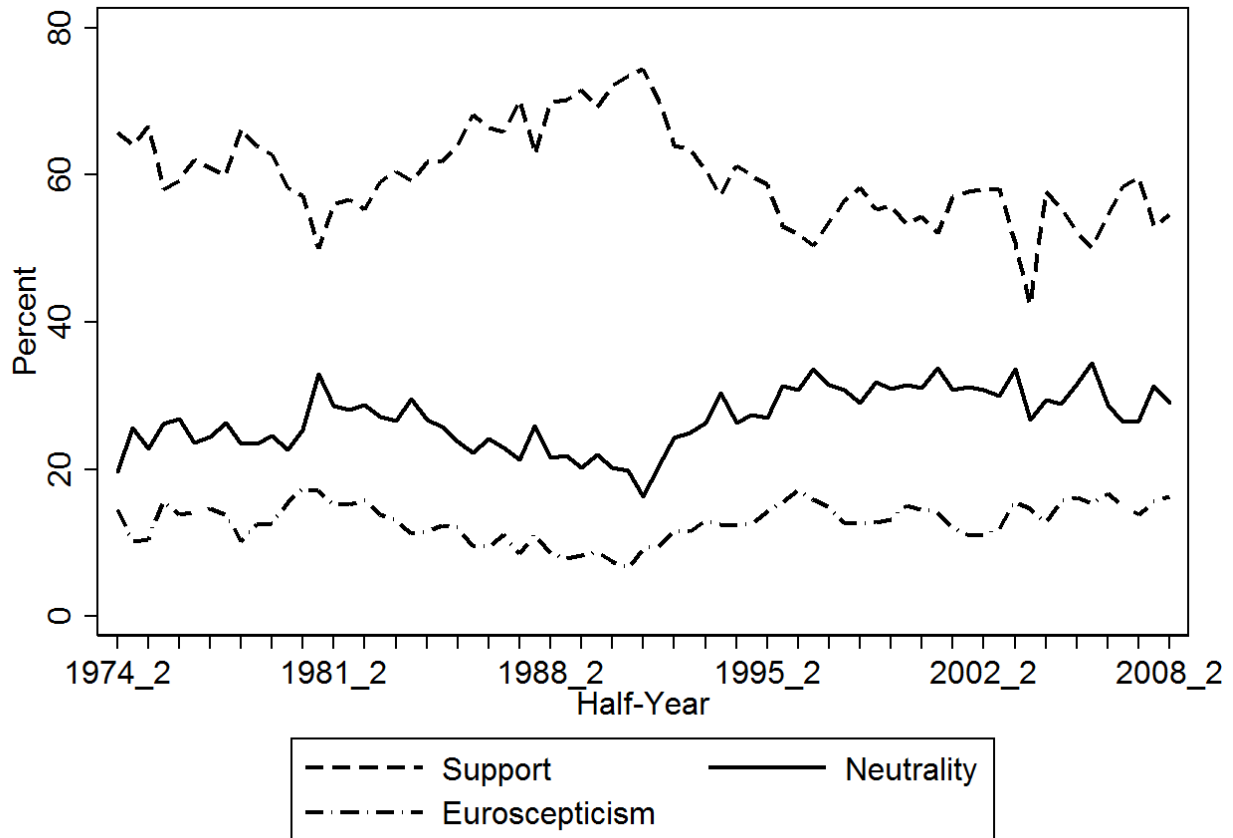
The independent variables used in testing our hypothesis are the levels of aggregate positive, negative, and neutral public opinion concerning the EU. These are understood as the percentages of the EU population that are supportive of the EU (Europhilic), opposed to the EU (Eurosceptic) or indifferent towards the EU (neutral).<sup>v</sup>

Using multiple independent variables, rather than a dichotomous variable indicating the level of Europhilia or Euroscepticism, is imperative to this analysis as these concepts are not flip sides of the same coin. Neutrality towards the EU is distinct from Europhilia and Euroscepticism, as it is neither outright support for the EU nor overt opposition to it, but rather approximates Taggart and Szczerbiak's (2001) "soft Euroscepticism" (see van Elsas and van der Brug, 2015). Therefore, using a dichotomous independent variable risks conflating neutrality with either Europhilia or Euroscepticism.

The measures used in this study reflect the weighted EU-wide aggregate answers to the Eurobarometer survey question, "Generally speaking, do you think that (OUR COUNTRY)'s membership of the European Union is a good thing, a bad thing, neither good nor bad, don't know?". Specifically, Europhilia is operationalized as the percentage of the respondents in a given

Eurobarometer survey who believe their country's EU membership is "a good thing". Euroscepticism is operationalized as the percentage of the respondents to a given Eurobarometer survey who believe their country's EU membership is "a bad thing". Neutrality, which indicates neither support for nor opposition to the EU, is marked by the percentage of respondents who believe membership in the EU is "neither good nor bad".<sup>vi</sup> In aggregating this data to the EU level, the percentage of respondents for each category, in each country, was weighted by the population of the country as a percentage of the total EU population at the time of the survey, and summed. Figure 1 presents the aggregate responses to this question over time:

**Figure 1: Aggregate Support, Neutrality and Euroscepticism**



Note: Figure 1 shows the levels of aggregate Europe-wide public support for the EU, neutrality towards the EU, and opposition to the EU over time based on Eurobarometer surveys from Autumn 1974 through Autumn 2008.

Figure 1 clearly demonstrates Europhilia is always greatest, followed by neutrality, and finally Euroscepticism. It further indicates higher levels of variation in the same order with a standard deviation of ~2.6 percentage points for Euroscepticism, ~4.1 for neutrality and ~6.5 for Europhilia. Overall, this suggests that there is more movement over time between Europhilia and neutrality than between either of these and Euroscepticism.

*Control variables*



Some control variables must be included in the below analysis as there is a possibility of correlation with both the independent and dependent variables. First, the economic union has been the historical, and still primary, focus of the EU. As research has suggested that broad economic conditions do influence attitudes towards the EU (see Anderson and Reichert, 1995; Banducci et al., 2009; Eichenberg and Dalton, 1993; Hobolt and Leblond, 2009; Hobolt and de Vries, 2016; Kuhn and Stoeckel, 2014; de Vries, 2018), and further evidence suggests that public policy outputs are related to macroeconomic conditions (Bartels, 2015; Wlezien and Soroka, 2012), it is imperative to control for the economic conditions within the EU. This is done through the use of a measure of the *unemployment* rate in the EU.<sup>vii</sup>

Further, as treaty changes necessitate significant policy activity, dummy variables indicating the first year in which a new major treaty change (i.e. the Single Europe Act, the Maastricht Treaty, the Amsterdam Treaty, and the Nice Treaty) came into force are included. These variables are coded as a 1 in the European semester a treaty change came into effect, as well as the semester after a treaty change came into effect.

Finally, as our theory suggests a possible confounding effect of European Parliament and Council of Ministers activity, we also include a measure for the number of pieces of legislation passed by the Council of Ministers in a given European semester. We focus on the Council of Ministers as our dataset ranges from 1974 through 2008, and for a significant amount of this period the European Parliament did not maintain co-decision powers with the Council of Ministers. While a blunt measure of legislative policy activity, as it does not differentiate between the scope and size of the policies created by the Council of Ministers, it does allow us to capture any general shifts in

policy-making activity. Unfortunately, data do not exist at current time to use a more fine-grained measure of legislative policy activity.

### *Main variable data sources*

As stated above, the measures of public opinion are derived from the Eurobarometer survey series. The number and survey date of each Eurobarometer survey is presented in the Online appendix.

The data concerning the number of directives and regulations unilaterally adopted by the Commission in a Eurobarometer half-year are derived from automatic data extraction from the EU's online legislative archive, EUR-Lex.<sup>viii</sup> This data, originally structured by month, was collapsed to create a measure of the number of directives and regulations unilaterally adopted by the Commission in each Eurobarometer half-year. A directive or regulation was placed into a Eurobarometer half-year if it was adopted between the first day of the first month after a survey was conducted and the last day of the month the next survey was conducted. Thus, if survey 1 was conducted in January 2000 and survey 2 was conducted in June of 2000, any Commission directive or regulation with an adoption date between 1 February 2000 and 30 June 2000 would be included in the same Eurobarometer half-year.

### *Methodological strategy*

Specification tests reveal serial correlation between observations in this data, as well as unit root and cointegrated processes across our dependent and independent variables.<sup>ix</sup> To address these issues, an Error Correction Model (ECM) is used to test the above hypotheses. ECMs regress first differences of the independent variables on the first differences of the dependent variable. Beyond

ECMs' ability to address cointegrated processes, ECMs allow us to directly address the short-run (contemporaneous) and long-run (lagged) effects of the independent variables on change in the dependent variable. Our full models therefore take the following form:

$$\Delta Policy_t = \alpha_0 + \alpha_1 Policy_{t-1} + \beta_1 \Delta Opinion_t + \beta_2 Opinion_{t-1} + \beta_3 \Delta Unemployment_t + \beta_4 Unemployment_{t-1} + \beta_5 EU Age_t$$

The next section of this paper tests the above hypothesis using ECMs. This section is followed by a discussion of the findings, and their implications.

## **Analysis**

Our first hypothesis argues that as Europhilia increases, so too should unilateral legal act adoptions by the Commission. The second hypothesis posits that higher levels of Europhilia result in fewer unilateral legal act adoptions by the Commission.<sup>x</sup>

**Table 1: Effect of Public Support on Unilateral Commission Legal Act Adoption**

	Model 1	Model 2	Model 3	Model 4
Legal Act Adoption <sub>t-1</sub>	-0.31 (0.09)***	-0.51 (0.12)***	-0.57 (0.12)***	-0.73 (0.16)***
$\Delta$ Support <sub>t</sub>	-13.49 (8.76)	-16.44 (7.57)**	-17.45 (7.44)**	-12.25 (7.57)
Support <sub>t-1</sub>	-10.65 (5.70)*	-16.36 (5.79)***	-16.52 (5.77)***	-11.24 (5.31)**
$\Delta$ Unemployment <sub>t</sub>		-115.34 (58.72)*	-77.49 (55.95)	-19.64 (55.87)
Unemployment <sub>t-1</sub>		46.44 (18.56)**	60.62 (20.56)***	68.22 (19.17)***
Single Europe Act			-130.83 (95.49)	-112.00 (98.74)
Maastricht Treaty			-264.14 (68.49)***	-281.98 (61.56)***
Amsterdam Treaty			270.42 (105.27)**	322.31 (118.45)***
Nice Treaty			-41.49 (309.14)	-88.34 (285.05)
$\Delta$ Council Legislation <sub>t</sub>				-0.81 (0.62)
Council Legislation <sub>t-1</sub>				-1.33 (0.62)**
Constant	867.94 (381.00)**	995.35 (340.08)***	938.73 (334.77)***	917.00 (308.26)***
$R^2$	0.20	0.33	0.40	0.45
$N$	68	68	68	68

Note: Standard Errors are in parentheses; \*  $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$

Table 1 presents results for four ECMs of Europhilia on unilateral Commission legal act adoption. Model 1 considers support on its own, Model 2 controls for unemployment, Model 3 includes controls for treaty changes, and Model 4 controls for Council of Ministers policy activity. Our primary, and consistent finding across each of the Models in Table 1 is a significant (or marginally significant), negative effect for support on the change in unilateral Commission legal act adoptions both in the short-run (differenced) and long-run (lagged). This result indicates, in line with the

second hypothesis, that as support for the EU increases, unilateral Commission legal act adoptions decrease.

Importantly, in Model 4, when the measure of Council legislative policy activity is included, the coefficient for both the change in the EU support variable, as well as the lagged EU support variable, shrinks significantly from that reported in Models 2 and 3. Further, the change in the EU support variable no longer shows a statistically significant relationship, whereas the lagged EU support variable maintains statistical significance, but at a diminished level. This, combined with the negative and statistically significant effect for the lagged version of the variable of Council legislative policy activity, indicates that the effect of Europhilia on the adoption of Commission legal acts substantially influences the effect of public Europhilia on unilateral Commission legal act adoption.

In substantive terms, when we do not control for Council legislative policy activity (Model 3), the coefficient for the change in Europhilia is -17.45, indicating that for each percentage point Europhilia increased from the previous to the current half-year, unilateral Commission adoptions also decreased by roughly 17 (it should be noted that the 95% confidence interval ranges from -2.6 to -32.3). The coefficient for lagged Europhilia is -16.52, indicating that for each percentage point of Europhilia in the previous Eurobarometer half-year, the number of legal acts adopted is expected to decrease by over 16 in the current half-year. In contrast, when Council legislative policy activity is included (Model 4), a percentage point increase in Europhilia from the previous to the current half-year results in roughly 12 fewer unilateral Commission adoptions. Similarly, for each percentage point of Europhilia in the previous Eurobarometer half-year, the number of

legal acts adopted by the Commission is expected to decrease by only about 11 in the current half-year. In all this, indicates support for hypothesis 2, the Commission decreases adoptions when support increases

**Table 2: Effect of Public Euroscepticism on Unilateral Commission Legal Act Adoption**

	Model 1	Model 2	Model 3	Model 4
Legal Act Adoption <sub>t-1</sub>	-0.24 (0.07)***	-0.40 (0.10)***	-0.47 (0.11)***	-0.73 (0.16)***
$\Delta$ Euroscepticism	9.74 (15.28)	15.51 (15.08)	14.01 (14.20)	7.18 (14.54)
Euroscepticism <sub>t-1</sub>	6.56 (11.79)	21.25 (13.32)	22.15 (13.51)	11.23 (10.92)
$\Delta$ Unemployment <sub>t</sub>		-98.74 (61.07)	-67.25 (57.87)	10.77 (61.09)
Unemployment <sub>t-1</sub>		43.18 (18.86)**	57.23 (21.42)***	68.61 (19.68)***
Single Europe Act			-138.92 (135.62)	-112.55 (130.83)
Maastricht Treaty			-223.39 (64.08)***	-265.87 (62.95)***
Amsterdam Treaty			293.53 (108.93)***	353.64 (122.21)***
Nice Treaty			21.59 (290.49)	-68.71 (259.18)
$\Delta$ Council Legislation <sub>t</sub>				-0.98 (0.61)
Council Legislation <sub>t-1</sub>				-1.80 (0.65)***
Constant	97.94 (156.03)	-308.71 (229.60)	-380.43 (238.04)	-380.43 (238.04)
$R^2$	0.12	0.23	0.29	0.41
$N$	68	68	68	68

Note: Standard Errors are in parentheses; \*  $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$

Our analyses of Euroscepticism (Table 2) suggest that higher levels of opposition to the EU, and increases in opposition, may increase Commission adoptions of legal acts, although these effects are insignificant in all models, approaching statistical significance in some models. Importantly, however, one does see a decrease in the coefficient for the change in Euroscepticism and lagged

Euroscepticism in Model 4, while lagged Council legislative policy activity shows a negative and statistically significant relationship, similar to the effect seen in Table 1. This suggests support for the inverse of hypothesis 2.

Our analyses of neutrality (Table 3) show that high levels of neutrality in the previous half-year have a strong positive and significant effect on the change in unilateral Commission legal act adoptions in the current half-year. Similar to the findings in Table 1, however, when a measure of Council legislative policy activity is included (Model 4), the substantive effect of neutrality towards the EU shrinks, and the measure of lagged neutrality changes from being highly significant in Models 1 through 3 to only moderate significance.

Substantively, the effect of approximately 28 more adoptions for a one percentage point increase in neutrality (see Model 3) clearly indicates a stronger, but different effect than that of Europhilia on unilateral Commission legal act adoptions. At the same time, the decrease of over 12 adoptions when Council legislative policy activity is controlled for indicates strong support for the inverse of hypothesis 2 when considering neutrality as a type of “soft Euroscepticism” (van Elsas and van der Brug, 2015).

**Table 3: Effect of Public Neutrality on Unilateral Commission Legal Act Adoption**

	Model 1	Model 2	Model 3	Model 4
Legal Act Adoption <sub>t-1</sub>	-0.37 (0.09)***	-0.53 (0.11)***	-0.59 (0.11)***	-0.74 (0.15)***
$\Delta$ Neutrality <sub>t</sub>	3.38 (11.67)	10.99 (11.19)	14.02 (11.30)	6.67 (11.82)
Neutrality <sub>t-1</sub>	22.31 (9.33)**	27.50 (9.07)***	27.72 (9.17)***	15.64 (8.05)*
$\Delta$ Unemployment <sub>t</sub>		-94.18 (56.66)	-62.13 (56.29)	1.52 (65.07)
Unemployment <sub>t-1</sub>		39.828 (16.39)*	52.55 (18.34)***	63.14 (17.97)***
Single Europe Act			-109.56 (118.56)	-97.49 (125.36)
Maastricht Treaty			-237.85 (68.52)***	-261.45 (60.07)***
Amsterdam Treaty			262.78 (116.97)**	325.57 (127.31)**
Nice Treaty			-59.24 (270.37)	-97.09 (251.83)
$\Delta$ Council Legislation <sub>t</sub>				-0.83 (0.59)
Council Legislation <sub>t-1</sub>				-1.47 (0.68)**
Constant	-321.01 (213.53)	-654.01 (252.37)**	-717.88 (257.43)***	-104.80 (317.74)
$R^2$	0.20	0.30	0.36	0.43
$N$	68	68	68	68

Note: Standard Errors are in parentheses; \*  $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$

Each set of analyses offer similar findings for our controls. A positive change in unemployment has an insignificant or marginally significant short-run (differenced) negative effect on the change in legal act adoptions, but that higher levels of unemployment in the long-run (lagged) have a consistently significant positive effect on unilateral legal act adoptions by the Commission. This effect ranges between approximately 40 and 68 more adoptions for each percentage point increase in unemployment. Additionally, the Single Europe Act and Nice Treaty dummies have no significant impact on unilateral Commission adoption of legal acts, whereas the Maastricht Treaty



and Amsterdam Treaty both have statistically significant effects. The Maastricht Treaty shows a consistently negative effect, indicating that in the year after the Maastricht Treaty came into effect, the number of Commission legal acts unilaterally adopted dropped. This effect ranged from about -223 to almost -282. By contrast, the impact of the Amsterdam Treaty was positive, indicating that the number of unilateral legal act adoptions by the Commission increased in the first year the Amsterdam Treaty came into effect. This effect ranges from about 263 to almost 354. Finally, the error correction term in each model denoted by the lagged legal act adoption variable is negative, significant and near -0.74 in each model. This indicates a fairly quick return to the average or equilibrium level of change in the model following a change in public opinion or unemployment.

## **Discussion**

This study sought to develop an understanding of the relationship between public attitudes towards the EU and unilateral legal act adoption by the European Commission. It was posited, following studies of policy responsiveness in the EU and its member states (Bølstad, 2015; Toshkov, 2011; Williams, 2016, 2018), and theories of policy responsiveness originally developed for application in unelected bodies (Bevan, 2015; Casillas et al., 2011; Hall, 2013), that to maintain legitimacy, the Commission will increase unilateral legal act adoption when public support for the EU is higher, and decrease unilateral legal act adoption when public support for the EU is lower.

However, if we relax the assumption that the Commission is concerned with legitimacy, the institutional structure of the EU allows for the European Commission to fill the policy vacuum created by legislative inaction in the Council of Ministers and the European Parliament during periods of greater negative public attitudes towards the EU. Decreased public support for the EU

will lead to decreased legislative activity in the Parliament and Council (Bølstad, 2015; Toshkov, 2011), which creates policy gridlock in the EU. In order to overcome the policy gridlock, the Commission, if unconcerned with maintaining legitimacy, increases the unilateral adoption of legal acts.

Our findings indicate support for the second hypothesis. Specifically, we find that a higher level of support for the EU at time  $t-1$ , as well as increases in support for the EU between times  $t-1$  and  $t$ , result in the Commission decreasing the number of legal acts unilaterally adopted between time  $t-1$  and time  $t$ . We further find that more neutral opinion at time  $t-1$  leads to the Commission increasing the number of legal acts unilaterally adopted between time  $t-1$  and time  $t$ . Euroscepticism, on the other hand, had no statistically significant effect on the Commission's unilateral adoptions. Importantly, the direct effects of public opinion become significantly smaller when a direct measure of Council legislative policy activity is included in the models, indicating support for the policy gridlock argument.

These findings have significant implications for our understanding of democratic governance in the EU. Most importantly, they may indicate that public control of European policy-making may be constrained by the institutional design of the EU. It appears that, despite public opposition to the EU, the institutions may trade responsibility to continue policy-making activities. As the common normative understanding of democracy envisions public control of policy-makers (see Dahl, 1971; Pitkin, 1967; Powell, 2000), the above results indicate the EU may, indeed, suffer from a democratic deficit.

Although an important step in understanding political representation in the EU, greater research regarding responsiveness of European institutions, and the European Commission, specifically, to public attitudes is necessary. First, it is important to explore the asymmetries in the above findings. In particular, it may be useful to develop a deeper understanding of the substantive differences in the effects of public neutrality towards the EU as opposed to public Euroscepticism.

Further, it may prove fruitful to examine more closely the scope and reach of the acts unilaterally adopted by the Commission during periods of low support. If Commission legal acts adopted when public support for the EU is low are relatively small in scope and reach, this would indicate that any trade-offs made between the institutions of the EU are not equal. This is particularly true if Commission legal acts are small in scope and reach in comparison to the acts adopted by the Parliament and Council during periods of high support. If Commission legal acts are small in scope and reach, this would suggest that the Commission would be filling the policy-making vacuum left by Parliament and Council inaction, but the Commission would not fill it to the same level.

Beyond a deeper examination of the possibility of responsibility trading, other avenues of future research may also be interesting. In particular, useful analysis would be to examine how public attitudes concerning specific policy areas influence Commission legal act adoptions in those domains. For example, if the public is more supportive of environmental regulation, will the Commission alter the number of legal acts it adopts in the area of environmental regulation?

Overall, the above results are highly suggestive, but offer several more questions concerning the effects of public attitudes regarding the EU on policy-making activity in the EU. It is clear that

support does not lead to the unilateral adoption of more Commission legal acts, and it appears that the trading of policy-making responsibilities may be occurring in EU institutions during periods of low public support.

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<sup>i</sup> As this study is interested in policy processes in the EU, and the European Commission specifically, it is concerned with the overall amount of policy being created unilaterally by the European Commission. Future research will build upon this study and examine the substance of the policies being created.

<sup>ii</sup> These studies are concerned with the Commission insofar as it is the point of legislative genesis in the EU. Crombez and Hix (2016) examine both directives and regulations, while Häge and Toshkov (2011) study only directives.

<sup>iii</sup> As the point of legislative genesis [isn't there a verb missing, such as "shows"], policy adopted by elected bodies requires the Commission to initiate more legislative policy, however, these initiated legislative acts are not unilaterally adopted by the Commission.

<sup>iv</sup> Alternatively, poorer fitting analyses on regulations alone lead to the same inferences presented here. However, alternative and better fitting analyses driven by the EU age variable and no other variables were also found for directives. Broadly, this suggests that the majority of responsiveness for the Commission takes place through regulation. However, whether this is actually driven by differences in legislative tools or more substantive differences such as the potential importance of individual policies is hard to judge without a much more fine-grained analyses. While nearly all directives are quite impactful in terms of regulatory costs only some regulations come with similar importance. Further, while it is clear that the effect of public opinion regarding the EU may vary by policy type and substance, this is beyond the scope of this paper, but is an interesting avenue for future research.

<sup>v</sup> As a robustness check a combined measure of public attitude towards the EU was used. This measure was operationalized by coding Europhilia as 1, neutrality as 0, and Euroscepticism as -1, and an EU-wide average, weighting by national population was constructed. The results of models using this independent variable are included in the Online appendix. The results support the those reported in the main tables of this study.

<sup>vi</sup> Van Elsas and van der Brug (2015) argue that a combination of neutrality and Euroscepticism actually accounts for Taggart and Szczesniak's (2004) concept of "soft Euroscepticism", as indifference works towards the EU in a similar manner to opposition. In alternative analyses we combined neutrality and Euroscepticism into a single "soft Euroscepticism" measure (see the Online appendix). The results are consistent with our findings for neutrality, the model is, however, poorer fitting, suggesting that neutrality and Euroscepticism, as measured, are not strictly related or the same.

<sup>vii</sup> This measure is taken from Toshkov (2011) and derived from Organisation for Economic Cooperation and Development (OECD) data. A measure of unemployment by EU semester was created by weighting country figures by population, and calculating the mean of quarterly data. The mean of Q1 and Q2 was used as a measure of unemployment for the first EU semester of a given year, the mean of Q3 and Q4 was used as a measure of unemployment for the second EU semester of a given year. Other operationalizations of macroeconomic conditions were considered, but ultimately, not used for two reasons. First, maintaining comparability across existing research (e.g. Toshkov, 2011) is imperative. Altering the operationalization of macroeconomic conditions may confound comparison across studies. Second, other measures present issues with operationalization. For example, measures such as gross domestic product (GDP), inflation, or a misery index are greatly affected by the introduction of the common currency (the Euro) in the EU in 1999/2000. As our dataset spans 1974 to 2008, using any measure that is closely linked to currency would confound the analysis. For models using EU wide GDP see the Online appendix.

<sup>viii</sup> The EUR-Lex data were originally extracted by Dimiter Toshkov in October 2012.

<sup>ix</sup> Augmented Dicky-Fuller unit-root tests demonstrated evidence of unit roots for our dependent, independent and unemployment variables with  $p$ -values between 0.41 and 0.92, failing to reject the null hypothesis of a unit root. First, differencing corrected this issue with all  $p$ -values less than 0.000. Engle-Granger cointegration tests across all 12 models rejected the null hypothesis of no cointegration with a  $p$ -value less than 0.10 and less than 0.05 for each of our Model 3s. Due to the strong evidence of unit root and cointegrated processes, the use of an ECM model is appropriate and necessary.

<sup>x</sup> We test the effects of Europhilia, Euroscepticism, and neutrality towards the EU in separate models as these variables are strongly, although not perfectly, correlated with one another, and therefore including them in the same model could lead to issues of multicollinearity. To confirm this concern, models including combinations of two attitudes (Europhilia, Euroscepticism, and neutrality) were also considered. However, multicollinearity did prove to be too large an issue based on post-estimated variance inflation factors (VIFs). Some models had VIFs over 10, with almost all having a VIF over 4, which is especially problematic with smaller sample sizes (e.g. Hair et al., 2010), such as that

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in this study. The attitudinal measures clearly do differentiate (see Figure 1) with an increase in one not guaranteeing an increase in another; however, they are also clearly related, both practically and by construction given the survey instrument. In fact, these measures can be thought of as different operationalizations of the same concept, public attitude towards the EU. While it is valid to consider multiple measures for a concept, rarely is it advisable to include them in the same model both for practical and methodological reasons. Therefore, based on practicality and the issues noted concerning multicollinearity tests, we include models of each measure individually. We report the results of these tests in the Online appendix. While multicollinearity makes it difficult to interpret the direction and significance of the individual independent variables, F-tests suggest that the variables are jointly significant.